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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,354	12/18/2001	Joseph Neyman	neyman	3946

26496 7590 04/24/2002

GREENBERG & LIEBERMAN  
314 PHILADELPHIA AVE.  
TAKOMA PARK, MD 20912

EXAMINER

SMITH, KIMBERLY S

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 04/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/683,354

Applicant(s)

NEYMAN, JOSEPH

Examiner

Kimberly S. Smith

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

PETER M. POON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

*fm p*

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. §119 (e) as follows: the application has been filed later than 12 months after the date on which the provisional application was filed.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the line holder in conjunction with the fishing rod and fishing line (containing hooks and lures) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “indentions” as claimed in claim 11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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***Specification***

4. The disclosure is objected to because of the following informalities: page 4, lines 2-3, it is unclear as to what the Applicant is stating.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 17 and 18 are directed to the series of legs for wrapping a fishing line for storage or use. However, the specification never discloses that the intended use of the series of legs is for wrapping a fishing line about them (it is disclosed they are merely functional to secure the fishing line apparatus to the fishing pole). Therefore, claims 17 and 18 have been construed to mean that the series of *bars* is a means for wrapping a line for storage.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

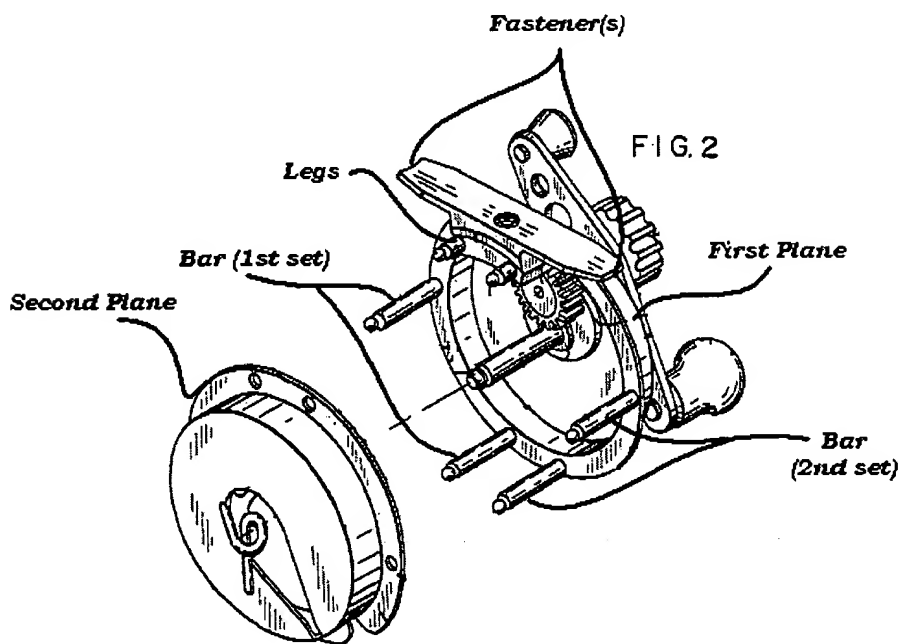
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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8. **Claims 1-8, 10-18** are rejected under 35 U.S.C. 102(b) as being anticipated by Dennison, US Patent 4,606,512.

Dennison discloses a fishing line apparatus comprising a first plane, a set of bars communicating with the first plane, a series of legs, communicating with the first plane and a second plane communicating with the set of bars (see detail below); further comprising a second set of bars wherein the set of bars and second set of bars are disposed on opposite ends of said first and second plane (as the first and second set of bars are mirror images of each other, they are construed to be on opposite ends); wherein the set of bars creates a curvature at one end of the first and second plane, from the middle to the exterior, and the second set of bars creates a curvature at the second end of the first and second plane (i.e. the bars lie on an arcuate path) and comprising a hollow space between the first and second series of bars (seen in the



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figure); further comprising a series of fasteners communicating with the series of legs (considered a series, i.e. more than one, in that each end of the fasteners communicate with separate structures of the reel seat assembly thereby producing two separate points of fastening); wherein the series of fasteners removably communicate with the fishing rod; further comprising indentations (i.e. the holes for receiving the first and second set of bars); wherein the fishing line can be wrapped around said first and second series of bars; wherein the series of bars is a means for wrapping a fishing line (and more generally a rope or thread) for storage and use. Regarding claim 15, while not stated in the disclosure, it is possible for a hook to be placed in the hollow space for storage.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Dennison.

Dennison discloses the invention substantially as claimed including a slit in the second plane (110) for securing the fishing line. While Dennison discloses only one slit, it would have been obvious to one having ordinary skill in the art to create a second slit in the second plane to allow for the line to be attached to the second plane irrespective of the rotation of the fishing line apparatus (as illustrated by the phantom lines 110 in figure 3) and also that mere duplication of the essential working parts of a device involves only routine skill in the art.

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*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Harris (US 6,318,019 B1), Bracken et al. (US 6,085,455), Corbiere (US 5,682,703), Wolf, Jr. et al. (US 5,218,776), Ives (US 5,131,180), Caselli, Sr. (US 4,680,886), Blarcom (US 1,582,196), Tarbox (US 1,087,093), Oh (Des. 404,792).

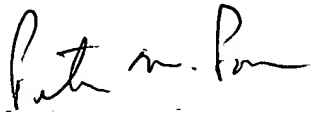
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly S. Smith whose telephone number is 703-308-8515. The examiner can normally be reached on Monday thru Friday (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles T Jordan can be reached on 703-306-4159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-306-4196 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

Kimberly S. Smith  
Examiner  
Art Unit 3644

kss  
April 21, 2002

  
PETER M. POON  
SUPERVISOR AND EXAMINER  
TECHNOLOGY CENTER 3600